

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 20

BY JUDICIARY, RULES AND ADMINISTRATION COMMITTEE

AN ACT

1 RELATING TO CHILD PROTECTION; AMENDING SECTION 16-1607, IDAHO CODE, TO PRO-  
2 VIDE THAT REPORTING CHILD ABUSE, ABANDONMENT, OR NEGLECT FALSELY, IN  
3 BAD FAITH, OR WITH MALICE IS A MISDEMEANOR, TO PROVIDE PENALTIES, AND TO  
4 MAKE A TECHNICAL CORRECTION; AND DECLARING AN EMERGENCY.  
5

6 Be It Enacted by the Legislature of the State of Idaho:

7 SECTION 1. That Section 16-1607, Idaho Code, be, and the same is hereby  
8 amended to read as follows:

9 16-1607. REPORTING IN BAD FAITH A MISDEMEANOR -- CIVIL DAMAGES. Any  
10 person who makes a report or allegation of child abuse, abandonment, or ne-  
11 glect knowing the same to be false or who reports or alleges the same in bad  
12 faith or with malice shall be:

13 (1) Convicted of a misdemeanor and upon conviction shall be subject to  
14 a fine of up to one thousand dollars (\$1,000), confinement in the county jail  
15 for up to three (3) months, or both such fine and confinement; and

16 (2) Liable ~~liable~~ to the party or parties against whom the report was  
17 made for the amount of actual damages sustained or statutory damages of two  
18 thousand five hundred dollars (\$2,500), whichever is greater, plus attor-  
19 ney's fees and costs of suit. If the court finds that the defendant acted  
20 with malice or oppression, the court may award treble actual damages or tre-  
21 ble statutory damages, whichever is greater.

22 SECTION 2. An emergency existing therefor, which emergency is hereby  
23 declared to exist, this act shall be in full force and effect on and after its  
24 passage and approval.